

### **REMARKS**

The above amendments are made in response to the outstanding Non-final Office Action mailed on July 21, 2008. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks

Claims 5, 6, 12 and 13 have been amended to more clearly define the subject matter of the claimed invention. Claims 1-4 and 7-11 have been cancelled. The specification, including the title of the invention and the Abstract, has been amended in order to more properly disclose Applicant's invention. No new matter has been introduced by these amendments.

Claims 5, 6, 12 and 13 are thus pending in the present application.

#### **Objection to the Specification**

The abstract stands objected to because of improper language and format. The title of the invention stands objected to as not being descriptive. Further, the disclosure stands objected to because of informalities.

In this regard, a substitute specification (marked-up and clean version) is being submitted along with this paper. In the substitute specification, the informalities including clerical errors have been corrected, the title of the invention has been amended to clearly indicate the invention to which the claims are directed, and the abstract has been amended to correct the improper languages and format.

Applicants therefore respectfully request the Examiner to reconsider the specification as amended and withdraw the objection to the specification.

**Objection to the Claims**

Claims 1-4, 6-7 and 9-12 stand objected to because of informalities such as clerical errors.

In response, Applicants have cancelled Claims 1-4, 7 and 9-11. Claims 6 and 12 have been amended to more clearly define the subject matter of the claimed invention, and also to correct all the informalities.

Applicants respectfully request the Examiner to reconsider the amended Claims 6 and 12 and withdraw the objection to the claims.

**Claim Rejections Under 35 U.S.C. §112**

Claims 2, 3 and 7-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this regard, Applicants have cancelled Claims 2, 3 and 7-10.

**Claim Rejections Under 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Haruta (U.S. Patent No. 6,153,263). Further, Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura (U.S. Application Publication No. 2002/0025379).

Applicants have cancelled Claim 1.

**Claim Rejections Under 35 U.S.C. §103**

Claims 2-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Miyaka (U.S. Patent No. 6,116,728).

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skill*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

Applicants have cancelled Claims 2-4 and 7-11. Claims 5, 6, 12 and 13 have been amended to more clearly define the subject matter of the claimed invention. Claims 5, 6, 11 and 13 are all independent claims.

The amended Claims 5 and 6 include, *inter alia*, the following limitation:

a pretreatment liquid reservoir having respective containers filled with individual compositions of the pretreatment liquid, so that such individual compositions are applied and concurrently mixed on the fabric surface through a pretreatment head to pretreat the fabric by operation of a control unit depending upon the fabric material

The amended Claims 12 and 13 include, *inter alia*, the following limitation:

a pretreatment liquid reservoir for feeding the pretreatment liquid to the pretreatment head and having respective containers filled with individual compositions of the pretreatment liquid, so that such individual compositions are applied and concurrently mixed on the fabric surface to pretreat the fabric depending upon the fabric material

As above, the claimed invention includes an especially designed pretreatment liquid reservoir. That is, the pretreatment liquid reservoir includes respective containers filled with individual compositions of the pretreatment liquid, so that different compositions can be applied to different fabrics, depending upon the type of fabric materials.

Further, the claimed invention does not necessitate any separate pretreatment process or facility, but is devised to receive non-treated fabrics and perform pretreatment and printing jobs in a single process, thereby leading to a simplified process or apparatus and thus improved productivity.

Nakamura is directed to a method of ink-jet printing fabric composed of synthetic and cellulose fibers. Nakamura discloses pretreatment materials. However, it is respectfully submitted that Nakamura is silent about Applicants' pretreatment liquid reservoir devised to apply different pretreatment liquids, depending upon the types of fabrics.

Miyata is directed to an ink jet recording method and apparatus. However, Applicants submit that Miyata does not teach or suggest the claimed pretreatment liquid reservoir configured to be able to apply different pretreatment liquids, depending upon the types of fabrics.

It is respectfully submitted that Nakamura and Miyata, either alone or in combination, fails to teach or suggest the pretreatment liquid reservoir having respective containers filled with individual compositions of the pretreatment liquid, so that different compositions can be applied to different fabrics, depending upon the type of fabric material, as recited in the amended Claims 5, 6, 12 and 13.

Therefore, it is submitted that neither Nakamura nor Miyata, either alone or in combination, teaches or suggests the subject matter claimed in the amended Claims 5, 6, 12 and

13, and thus *no suggestion or motivation* exists in the cited references. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claims 5, 6, 12 and 13 with respect to the cited references.

Applicants respectfully submit that Claims 5, 6, 12 and 13 are now allowable over Nakamura and Miyata.

Applicants respectfully request the Examiner to review these submissions and withdraw the rejection on Claims 2-13 under 35 U.S.C. §103(a).

### **Conclusion**

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Reconsideration and subsequent allowance of this application are courteously requested.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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Application No. 10/550,842  
Response dated: September 20, 2008  
Reply to Non-Final Office Action of: July 21, 2008

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